

subject matter to be patented and that figures are not necessary for the understanding of the subject matter which is sought to be patented. Figures 1, 2a through 2d, and 3 are provided in accordance with 37 CFR § 1.81(c) and do not contain new matter.

Furthermore, the figures are provided merely for the sake of convenience and are not intended to unnecessarily restrict the invention. As stated in the specification at page 4, line 18, the intention is to illustrate the invention with reference to working examples and figures without unnecessarily restricting the invention. Moreover, as stated on page 5, line 16-17, all figures should be understood as examples selected from a large number of additional possibilities.

REJECTIONS UNDER 35 USC § 112

The Examiner rejects Claims 26 & 30 as being indefinite, stating that the term “imaginary center point” is not defined or explained in the specification as filed. The Examiner also notes that Claims 20 & 27 contain a typographical error and that “releasible” should be spelled “releaseable.”

Applicants have amended Claims 26 and 30 to remove the term “imaginary center point,” and have amended Claims 20 and 27 to replace “releasible” with “releaseable.” Applicants submit that the instant amendments have addressed the Examiner’s rejections of Claims 20, 26, 27, and 30 under § 112 and respectfully request that the rejections be withdrawn.

REJECTIONS UNDER 35 USC § 103

The Examiner states that US 5,725,923 to Lühmann teaches a double sided adhesive tape in which tabs can be incorporated to facilitate removal of the adhesive film. While the Examiner states that Lühmann differs from the claimed invention with regard to the shape of the regions of the adhesive tape and the placement of the tabs in the regions, the Examiner opines that it would have been obvious to modify the double sided adhesive tape of Lühmann by rearranging the adhesive

regions and tabs as disclosed in US 5,622,761 to Cole with the expectation that the instantly claimed invention would result. Applicants respectfully traverse.

Applicants are unable to find any motivation for combining these references as suggested by the Examiner. In particular, Applicants note the following distinctions between the cited references and the instantly claimed invention.

Lühmann discloses a double sided adhesive tape that may be adhesive-free on both ends. (Lühmann at column 2, lines 16-17). In contrast, the instant Claim 20 specifies an adhesive tape section in which the number of grip tabs equals the number of sides of the adhesive tape section which is designed as a polygon. Claim 27 also specifies a circular adhesive tape section.

Lühmann specifically states that one disadvantage of prior art adhesive films is that a tab must project from the bond join. Lühmann considers such a tab to be visually disadvantageous and remarks that such tabs can also easily disappear into the bond join leading to confusion regarding how to release the bond, and destruction of at least one of the bonded substrates. (Lühmann at column 1, lines 27 *et seq.*)

In direct contrast to the prior art, Lühmann teaches at column 1, lines 62-63 that no such tab is necessary or used, "In particular, a tab for pulling the adhesive film out of the bond join should not be necessary." Removal of the fixed object without leaving a residue is possible in a simple manner by pulling the object in the direction of the adhesive film longitudinal direction parallel to the bond plane. (Lühmann at column 2, lines 27 – 30)(Emphasis added.) Thus, according to Lühmann, one pulls on the object, *not the adhesive tape*, to release the bond.

While the Examiner is correct in noting that Lühmann mentions a tab, such a tab is recommended for removing adhesive residue left behind on the substrate, not for removing the object

without leaving a residue. Lühmann states at column 2, lines 61, bridging column 3, line 3: “However, this is relatively unimportant for some applications, in particular if the residues can remain on the substrates without causing any problems. However, if in this and other cases the residues are to be more easily removable, a tab is recommended in each case to enable easier pulling on the residue.” In view of the above, Applicants assert that Lühmann actually *teaches away* from using a tab located on the adhesive tape to release the bond between an object and a substrate.

Cole broadly discloses that the adhesives may be formed as single bodies or a plurality of bodies, disposed in shapes such as circles, ovals, ellipses, strips, rectangles or polygons on a sheet, (Cole at column 3, lines 12-20). However, Applicants point out that Cole does not provide any guidance as to how the shape of the adhesive body relates to the number of grip tabs present as specified in the instant claims. For example, inspection of Figures 5-7 in Cole confirms that the various shapes of adhesive deposited on a square sheet bear no relationship to the number of grip tabs as specified in the instant claims.

Furthermore, while Cole teaches that the sheet can be pulled apart from a substrate or another sheet by pulling the edge of the sheet farthest from the adhesive as shown in Figure 16, and this may be interpreted as one form of a “grip tab,” it is certainly not equivalent to having separate grip tabs for each side of the polygon adhesive tape section as instantly claimed. Moreover, Applicants note that the action of pulling the edge of the sheet as shown in Figure 16 is not equivalent to pulling in the plane of the bond to stretch as required by the instant claims.

Applicants point out that approaches to obviousness determinations which focus merely on identifying and tabulating “missing elements” in hindsight retrospect “imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge,” and “fall victim to the insidious effect of hindsight syndrome where that which only the inventor taught is used against its teacher.” Gore v. Garlock, 220 U.S.P.Q. 303 (Fed. Cir. 1983). Applicants assert that there is no hint or suggestion

in either reference which would motivate one of ordinary skill in the art to combine the tape and tabs of Lühmann with the various shapes of adhesive disclosed by Cole to form the instantly claimed adhesive tape sections.

Thus, Applicants conclude that the instantly claimed adhesive tape section and method are not obvious in view of the prior art references and respectfully request that the Examiner withdraw the rejection of the instant claims as obvious.

Applicants believe that the foregoing constitutes a bona fide response to all outstanding objections and rejections and that this application is in condition for immediate allowance. Should any issues of a minor nature remain, Applicants invite the Examiner to contact their representative at (212) 880-0700 so that the issues might be promptly resolved.

Early and favorable action is earnestly solicited.

Respectfully submitted,

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Enclosures: Petition for One-Month Extension of Time
Fee Transmittal
One sheet of drawings



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Our Reference No.: Beiersdorf 481-VMM

Client Reference No.: 6713-Dr.Di-hf

CERTIFICATE OF MAILING

I hereby certify that the foregoing Amendment under 37 CFR § 1.111 is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231, on the date indicated below:

Date: November 22, 2000

By Victoria M. Malia
Victoria M. Malia

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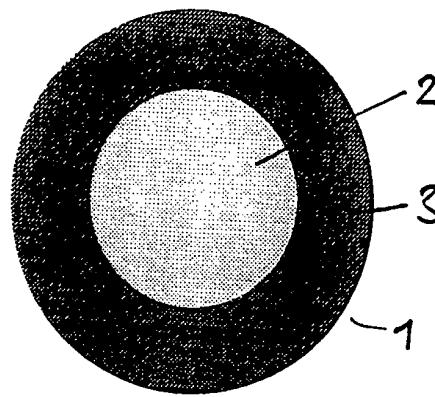


Fig. 1

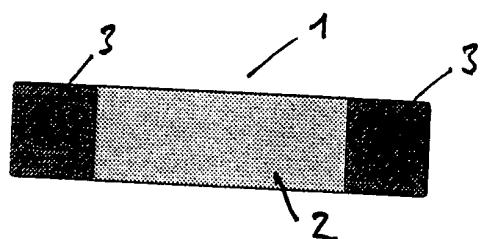


Fig. 2a

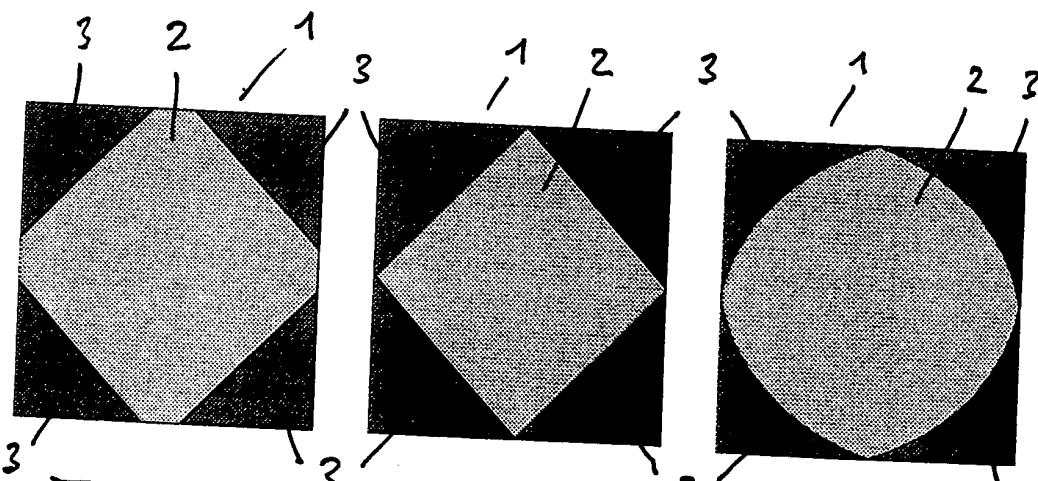


Fig. 2b

Fig. 2c

Fig. 2d

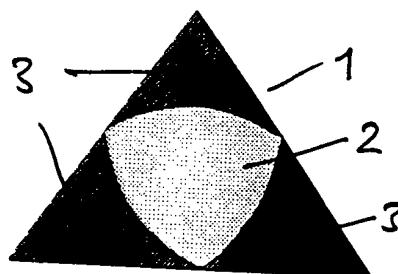


Fig. 3